

A N

O R A T I O N

D E L I V E R E D

April 2d, 1771.

AN
ORATION
DELIVERED
APRIL 2d, 1771.
AT THE
REQUEST OF THE INHABITANTS
OF THE
TOWN OF BOSTON;
TO
COMMEMORATE the bloody TRAGEDY
OF THE
FIFTH of MARCH, 1770.

By JAMES LOVELL, A. M.

Omnes homines natura *Libertati* student, et CONDITIONEM *Servitutis*
oderunt.
Ces.

— : *Nunc ea petit, quæ dare aullo modo possumus, nisi prius volumus nos*
bello viatos confiteri.
Cic.

BOSTON:

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1771.

At a Meeting of the Freeholders and other Inhabitants of
the Town of Boston, in Town Meeting assembled, by
Adjournment, on Tuesday the 2d Day of April, A.D. 1771.

Voted Unanimously,

THAT the Hon. Thomas Cushing, Esq; Moderator, the
Hon. John Hancock, Esq; Mr. Samuel Adams, Samuel
Pemberton, Esq; Dr. Benjamin Church, Richard Dana, Esq;
and Mr. Henderson Inches, be and hereby are appointed a Com-
mittee to return the Thanks of this Town to Mr. James Lovell,
for the Oration delivered by him at their Request, in Commemo-
ration of the horrid Massacre perpetrated on the Evening of the
5th of March 1770—By a Party of Soldiers of the 29th Regi-
ment; and to desire a Copy thereof for the Press.

Attest,

William Cooper, Town-Clerk.

GENTLEMEN,

I Consent to sacrifice my COMPOSITION to Ridicule, in strong
hope that the ARGUMENT, which I am sure is well
grounded, will be prosecuted by some Patron or Friend to our
CAUSE of more leisure and abilities than

your obliged humble Servant,

JAMES LOVELL.

A N

O R A T I O N.

YOUR design in the appointment of this ceremony,
my Friends, and Fellow-Townsmen, cannot fail to be
examined in quite different lights at this season of
political dissention. From the principles I profess, and in
the exercise of my common right to judge with others, I
conclude it was *decent, wise, and honorable*.

The certainty of being favoured with your kindest par-
tiality and candor, in a poor attempt to execute the part
to which you have invited me, has overcome the objection
of my inability to perform it in a proper manner; and I
now beg the favor of your animating countenance.

The

The horrid bloody scene we here commemorate, whatever were the causes which concurred to bring it on that dreadful night, must lead the pious and humane of every order to some suitable *reflections*. The pious will adore the conduct of that BEING who is unsearchable in all his ways, and without whose knowledge not a single sparrow falls, in permitting an immortal soul to be hurried by the flying ball, the messenger of death, in the twinkling of an eye, to meet the awful Judge of all it's secret actions. The humane, from having often thought with pleasing rapture on the endearing scenes of social life, in all it's amiable relations, will lament with heart-felt pangs their sudden dissolution by the indiscretion, rage and vengeance of unruly human passions.

But, let us leave that shocking close of one continued course of rancor and dispute from the first moment that the troops arrived in town : that course will now be represented by your own *reflexions* to much more solid, useful purpose than by any artful language. I hope, however, that Heaven has yet in store such happiness, for this afflicted town and province, as will in time wear out the memory of all our former troubles.

I sincerely

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I sincerely rejoice with you in the happy event of your steady and united effort to prevent a second tragedy.

Our fathers left their native land, risqued all the dangers of the sea, and came to this then-savage desert, with that true undaunted courage which is excited by a confidence in God. They came that they might here enjoy themselves, and leave to their posterity the best of earthly portions, full *English Liberty*. You showed upon the alarming call for tryal that their brave spirit still exists in vigor, tho' their legacy of rights is much impaired. The sympathy and active friendship of some neighboring towns upon that sad occasion commands the highest gratitude of this.

We have seen and felt the ill effects of placing standing forces in the midst of *populous* communities ; but those are only what individuals suffer. Your vote directs me to point out the fatal tendency of placing such an order in *free* cities—fatal indeed ! *Athens* once was free ; a citizen, a favorite of the people, by an artful story gained a trifling guard of fifty men ; ambition taught him ways to enlarge that number ; he destroyed the commonwealth

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and made himself the tyrant of the *Athenians*. *Cæsar* by the length of his command in *Gaul* got the affections of his army, marched to *Rome*, overthrew the state, and made himself perpetual dictator. By the same instruments, many less republics have been made to fall a prey to the devouring jaws of tyrants — But, this is a subject which should never be disguised with figures ; it chuses the plain stile of disser-tation.

The true strength and safety of every commonwealth or limited monarchy, is the bravery of its freeholders, its militia. By brave militias they rise to grandeur, and they come to ruin by a mercenary army. This is founded on historical facts ; and the same causes will, in similar circum-
stances, forever produce the same effects. Justice *Blackstone*, in his inimitably clear commentaries, tells us, that “ it is extremely dangerous in a land of liberty, to make a distinct order of the profession of arms ; that such an order is an object of jealousy ; and that the *laws and constitution of England are strangers to it.* ” One article of the Bill of Rights is, that the raising or keeping a standing army within the kingdom in a time of peace, unless it be with consent of

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of parliament, is against law. The present army therefore, tho' called the peace *establishment*, is kept up by one *act*, and governed by another ; both of which expire *annually*. This circumstance is valued as a sufficient *check* upon the army. A less body of troops than is now maintained has, on a time, destroyed a King, and fought under a parliament with great success and glory ; but, upon a motion to disband them, they turned their masters out of doors, and fixed up others in their stead. Such wild things are not again to happen, because the parliament have power to stop payment once a year : but, *arma tenem*i* quis neget?* which may be easily interpreted, “ who will bind Sampson with his locks on ? ” *

The bill which regulates the army, the same fine author I have mentioned says, “ is *in many respects hastily penned*, and reduces the soldier to a state of slavery in the midst of a free nation. This is impolitick : for slaves envy the freedom of others, and take a malicious pleasure in contributing to destroy it.”

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By

* Trenchard.

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By this scandalous bill a justice of peace is empowered to grant, *without a previous oath* from the military officer, a warrant to break open any (freeman's) house, upon *pretence* of searching for deserters.

I must not omit to mention one more bad tendency: 'tis this,—a standing force leads to a total neglect of militias, or tends greatly to discourage them.

You see the danger of a standing army to the cause of freedom. If the *British* Parliament consents from year to year to be exposed, it doubtless has good reasons. But when did *our* assembly pass an act to hazard all the property, the liberty and lives of their constituents? What check have *we* upon a *British* Army? Can *we* disband it? Can *we* stop it's pay?

Our own assemblies in *America* can raise an army; and *our* Monarch, George the 3d. by our constitution takes immediate command. This army can *consent* to leave their native provinces. Will the royal chief commander send them

them to find barracks at *Brunswick* or *Lunenburg*, at *Hanover*, or the commodious hall of *Westminster*? Suppose the last—Suppose this army was informed, nay *thought* the parliament in actual rebellion, or only on the eve of one against their King, or against those who paid and clothed them—for there it pinches:—We are *rebels against parliament*;—we adore the King.

Where, in the case I have stated, would be the value of the boasted *English* Constitution?

Who are a free people? Not those who do not suffer actual oppression; but those who have a *constitutional check upon the power to oppress*.

We are slaves or freemen; if, as we are called, the last, where is our check upon the following powers, *France*, *Spain*, the *States of Holland*, or the *British Parliament*? Now if any one of these (and it is quite immaterial which) has right to make the two acts in question operate within this province, they have right to give us up to an unlimited army, under the sole direction of one *Saracen Commander*.

Thus

Thus I have led your thoughts to *that* upon which I formed my conclusion, that the design of this ceremony was *decent, wise and honorable*. Make the bloody 5th of *March* the *Æra* of the resurrection of your birthrights, which have been murdered by the very strength that nursed them in their infancy. I had an eye *solely* to parliamentary supremacy ; and I hope you will think every other view beneath your notice in our present most alarming situation.

Chatham, Cambden and others, gods among men, and the *Farmer*, whom you have addressed as the friend of *Americans*, and the common benefactor of mankind ; all these have owned that *England* has right to exercise every power over us, but that of taking money out of our pockets without our consent*. Tho' it seems almost too bold therefore in us to say "we doubt in every single instance

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* Taxation and Representation are inseparable.

Chath. Cambd.

From what in our Constitution is Representation *not* inseparable !

—multa a CRASSO *divinitus* dicta esterebantur, cùm sibi illum consulem esse negaret cui
senator ipse non esset.

Cic.

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her *legal* right over this province", ‡ yet *we must assert it*. Those I have named are mighty characters, but *they wanted one advantage* providence has given *us*. The *beam* is carried off from our eyes by the flowing blood of our fellow citizens, and now we may be allowed to attempt to remove the *mote* from the eyes of our exalted patrons. That *mote*, we think, is nothing but *our obligation to England first, and afterwards Great-Britain, for constant kind protection of our lives and birthrights against foreign danger*. We all acknowledge that protection.

Let us once more look into the early history of this province. We find that our *English* Ancestors disgusted in their native country at a *Legislation*, which they saw was sacrificing all their rights, *lest its Jurisdiction* †, and sought, like wandering birds of passage, some happier climate. Here at length they settled down. The King of *England* was said to be the royal || landlord of this territory; with

HIM

‡ I confine myself to this province, partly from ignorance of other charters; but more from a desire even to vex some abler pen to pursue the idea of ~~check~~: which an *unchartered Freeman* may do, as well as any other in *America*.

† *Hac sunt enim fundamenta firmissima nostræ libertatis, sui quemque juris et retinendi et dimittendi esse dominum.* Cic.

|| I chuse to bury a fruitful subject for any satirical genius of the family of *Pens*.

HIM they entered into mutual sacred compact, by which the price of tenure and the *rules of management* were fairly stated. It is in this compact that we find OUR ONLY TRUE LEGISLATIVE AUTHORITY.

I might here enlarge upon the character of those first settlers, men of whom the world was little worthy ; who, for a long course of years, assisted by no earthly power, defended their liberty, their religion and their lives against the greatest inland danger from the savage natives :—but this falls not within my present purpose. They were secure by sea.

In our infancy, when not an over-tempting jewel for the Bourbon Crown the very *name* of ENGLAND saved us ; afterwards her *fleets and armies*. We wish not to depreciate the worth of that protection. Of our gold, yea of our most fine gold, we will freely *give* a part. Our fathers would have done the same. But, must we fall down and cry “ let not a stranger rob and kill me, O my father ! let

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me rather dye by the hand of my brother, and let him ravish all my portion? §

It is said that disunited from *Britain* "we should bleed at every vein". I cannot see the consequence. The *States of Holland* do not suffer thus. But grant it true, *SENACA*, would prefer the LAUNCTS of *France*, *Spain* or any other power to the Bow-STRING, tho' applied by the fair hand of *Britannia*.

The declarative vote of the *British Parliament* is the death-warrant of *our* birthrights, and wants only a Czarish King to put it into execution. *Here* then a door of salvation is open. *Great Britain* may raise her fleets and armies, but it is only *our own King* that can direct their fire down upon *our* heads. He is gracious, but not omniscient. He is ready to hear our APPEALS in their proper course; and knowing himself, tho' the most powerful prince on earth, yet, a subject under a divine constitution of LAW, that

§ —ita vitam corpusque servato, ita fortunas, ita rem familiarem, ut haec post*ri*ra libertate ducas,—nec pro bis libertatem, sed pro libertate haec projicias, tanquam pignora injuriæ.

that law he will ask and receive from the twelve Judges of *England*. These will prove that the claim of the *British Parliament* over us is not only **ILLEGAL IN ITSELF**, but a **DOWN-RIGHT USURPATION OF HIS PREROGATIVE as KING OF America.**

A brave nation is always generous. Let us appeal therefore, at the same time, to the generosity of the **PEOPLE of Great-Britain**, before the tribunal* of *Europe*, not to envy *us* the full enjoyment of the **RIGHTS OF BRETHREN.**

And now, *my Friends and Fellow Townsmen*, having declared myself an *American Son of Liberty* of true charter-principles ; having shewn the critical and dangerous situation of our birthrights, and the true course for speedy redress ; I shall take the freedom to recommend with boldness one previous step.—Let us show we understand the true value of what we are claiming.

The

* I do not think the *Quo Warranto* against our first charter was tried in a proper court.

The patriot *Farmer* tells us, “ the cause of LIBERTY is a cause of too much dignity to be sullied by turbulence and tumult.—Anger produces anger ; and differences, that might be accommodated by kind and respectful behaviour, may by imprudence be enlarged to an incurable rage. In quarrels—risen to a certain height, the first cause of dissension is no longer remembered, the minds of the parties being wholly engaged in recollecting and resenting the mutual expressions of their dislike. When feuds have reached that fatal point, considerations of reason and equity vanish ; and a blind fury governs, or rather confounds all things. A people no longer regard their interest, but a gratification of their wrath.”

We know ourselves subjects of common LAW : to *that* and the worthy *executors* of it let us pay a steady and conscientious regard. Past errors in this point have been written with gall by the pen of MALICE. May our future conduct be such as to make even that vile IMP lay her pen aside.

The *Right* which imposes *Duties* upon us is in dispute : but whether they are managed by a *Surveyor General*, a *Board of Commissioners*, *Turkish Janizaries* or *Russian Cossacks*, let them enjoy, during our time of fair tryal, the common personal protection of the laws of our constitution. Let us shut our eyes, for the present, to their being *executors of claims subversive of our rights*.

Watchful hawkeyed **JEALOUSY** ever guards the portal of the temple of the **GODDESS LIBERTY**. This is known to those who frequent her altars. Our whole conduct therefore, I am sure, will meet with the utmost candor of her **VOTARIES** : but I am wishing we may be able to convert even her basest **APOSTATES**.

We are **SLAVES** 'till we obtain such *redress* thro' the justice of our King as our happy *constitution* leads us to expect. In that condition, let us behave with the propriety and dignity of **FREEMEN** ; and *thus* exhibit to the world a new character of a people which no history describes.

May the allwise and beneficent RULER OF THE UNIVERSE preserve our *lives* and *health*, and prosper all our lawful endeavours in the glorious cause of FREEDOM.

ERRATUM. Pag. 15. l. 6. for SENACA, r. SENCA.